

EXHIBIT E24

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-1748-17AS

ROSALIND HENRY and FREDRICK C.)
HENRY,) TRANSCRIPT OF
Plaintiffs,) PROCEEDINGS
v.) TRIAL
BRENNTAG NORTH AMERICA, INC,) (VOLUME XII)
et al.,)
Defendants.)

Wednesday, October 10, 2018
8:35 a.m.
Middlesex County Courthouse
New Brunswick, New Jersey

B E F O R E:

H O N O R A B L E A N A C. V I S C O M I, JSC

REPORTED BY: ANDREA F. NOCKS, CCR, CRR

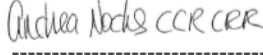
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<p style="text-align: right;">Page 2728</p> <p>1 APPEARANCES: 2 MOTLEY RICE, LLP BY: NATHAN D. FINCH, ESQ. 3 401 9th Street, N.W. Suite 1001 4 Washington, DC 20004 -and- 5 MOTLEY RICE, LLP BY: W. CHRISTOPHER SWETT, ESQ. 6 28 Bridgeside Boulevard Mt. Pleasant, South Carolina 29464 -and- 7 COHEN PLACITELLA & ROTH 8 BY: JARED PLACITELLA, ESQ. BY: DENNIS M. GEIER, ESQ. 9 127 Maple Avenue Red Bank, New Jersey 07701 10 Attorneys for Plaintiffs 11 12 WEIL, GOTSHAL & MANGES LLP BY: ALLISON BROWN, ESQ. 13 BY: DIANE SULLIVAN, ESQ. BY: MARIHUG CEDENO, ESQ. 14 17 Hulfish Street Suite 201 15 Princeton, New Jersey 08542 Attorneys for Defendants, 16 Johnson & Johnson, and Johnson & Johnson Consumer, Inc. 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 2730</p> <p>1 THE COURT: Good morning, everyone. 2 We're here with regard to Rosalind Henry and 3 Frederick Henry versus Brenntag North America, et 4 al., Docket No. 1748-17, outside the presence of the 5 jury on Wednesday, October 10, 2018. 6 Can I have appearances, please. 7 MR. SWETT: Good morning, your Honor. 8 Chris Swett on behalf of the Henry family. 9 MR. FINCH: Nate Finch on behalf of 10 the Henry family. 11 MR. GEIER: Dennis Geier for the 12 Henry family. 13 MR. PLACITELLA: And Jared Placitella 14 for the Henry family. 15 THE COURT: Thank you. 16 On behalf of JJCI. 17 MS. SULLIVAN: Good morning, your 18 Honor. Diane Sullivan and Alli Brown and Marihug 19 Cedeno on behalf of J&J. 20 THE COURT: Good morning, everyone. 21 I understand you've reached an 22 agreement and that is with regard to the instruction 23 that I am giving the jury which will be the first 24 thing they will essentially hear from me this 25 morning, and that's to substitute one of the</p>
<p style="text-align: right;">Page 2729</p> <p>1 INDEX PAGE 2 WITNESS: 3 ROSALIND HENRY 4 EXAMINATION BY: 5 (BY VIDEO) 2741-2764 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 2731</p> <p>1 sentences so that the new sentence added in will be 2 "no party or its lawyers or the witness did anything 3 wrong and you are not to speculate about the reason 4 for striking this testimony." 5 So I've deleted the prior sentence 6 that was there and now the new admonition or 7 instruction or, that I will give to this jury is as 8 follows: "The last testimony you heard prior to the 9 long weekend was from defendant's expert, 10 Dr. Gregory Diette. I am striking only that portion 11 of Mr. Diette's testimony and slide presentation 12 regarding the 2009 meta-analysis study by lead 13 author Sawka. No party or its lawyers or the 14 witness did anything wrong, and you are not to 15 speculate about the reason for striking this 16 testimony. You are free to consider the rest of his 17 testimony. I will have a further instruction as 18 part of my charge to you later today." 19 MS. BROWN: Your Honor, can we just 20 substitute improper for wrong, no one did anything 21 improper? 22 MR. FINCH: That's fine. 23 THE COURT: Where was the word 24 improper? 25 MS. BROWN: In the sentence its</p>

<p style="text-align: right;">Page 2884</p> <p>1 mines didn't become operational until 1967. And if 2 you recall, NIOSH did a study based on the 3 information that Johnson & Johnson gave them, 4 Johnson & Johnson handpicked the miners they would 5 include in that study. And in 1975 they looked at 6 392 miners and NIOSH concluded that there were no 7 cases of mesothelioma out of those 392 miners. 8 But Johnson & Johnson knew you 9 wouldn't expect to have any. The latency period 10 wasn't long enough. From '67 to '75 is only eight 11 years. From first exposure in '67, you wouldn't 12 have any cases of mesothelioma. 13 But what Johnson & Johnson's attorney 14 did not tell you in opening statement is that Lamm 15 and Star followed up with those same 392 miners 16 about 13 years later. So that would have been 21 17 years after first exposure. '67, I think this is 18 1988. And after only 21 years there was one case of 19 mesothelioma out of 392 miners, exactly what she 20 said you should expect to find if there's asbestos 21 in the mine. There was a case. 22 And Dr. Finkelstein came. He's an 23 expert epidemiologist. He's a little rough around 24 the edges, but he's smart. He knows his stuff. He 25 was asked to be on the EPA advisory board. He has</p>	<p style="text-align: right;">Page 2886</p> <p>1 P-181. It says, "What is cost of each sample 2 submitted to McCrone? Quick scan would be about," 3 and it looks like it says \$20, but the actual amount 4 kind of got wiped out when it was copied. But this 5 is when they first decided to start sending their 6 talc out to outside labs, 1974. And the reason they 7 did, if you look at the last sentence it says, "In 8 view of the latest findings at Windsor Minerals, it 9 appears wise that we maintain a closer surveillance 10 on both the ore and the finished product." 11 In '74 they were already finding 12 asbestos in their ore and their baby powder and they 13 weren't sending it out to these independent labs to 14 test it for asbestos. They were -- they didn't want 15 them to find the asbestos. They were trying to 16 cover themselves because Dr. Hopkins told you, we 17 make these labs use our testing method. Johnson & 18 Johnson developed a rigged testing method. TEM 19 7024. These so-called independent labs had to use 20 Johnson & Johnson's method. 21 Even though Johnson & Johnson knew 22 and these labs told Johnson & Johnson, TEM 7024 is 23 not an optimal method for asbestos testing. It's 24 not a good method to find the asbestos in the talc. 25 These labs told Johnson & Johnson that, but yet</p>
<p style="text-align: right;">Page 2885</p> <p>1 served as the epidemiologist for the government. 2 Dr. Diette wasn't asked to do that. 3 But he came and told you why this is 4 significant. This is significant because in the 5 average population you would only expect one case of 6 mesothelioma out of 100,000 people. And the fact 7 that there was one case of mesothelioma out of 392 8 people, that's all, that's a substantial increased 9 risk. That tells you there's asbestos in those 10 mines. You know what else? Those 392 miners were 11 wearing respirators and one guy still got 12 mesothelioma. That's a substantial increased risk. 13 Now, Johnson & Johnson's lawyers also 14 told you about some testing. We heard a lot about 15 testing. The truth of the matter is Johnson & 16 Johnson didn't start sending their talc out to be 17 tested by so-called independent labs until 1974. 18 This is the document that started it all. This is 19 the document where, one, Johnson & Johnson admits 20 that TEM, transmission electron microscopy, is the 21 only absolute proof. You've got to use TEM to 22 determine whether or not there's asbestos in talc. 23 But if you read in the very top in 24 handwriting, I'll read it to you, it's hard to read 25 but you'll have this document, this is Exhibit</p>	<p style="text-align: right;">Page 2887</p> <p>1 Johnson & Johnson still made the RJ Lee Group use 2 this method, still made the Colorado School of Mines 3 use this method. 4 I went to a military college, and in 5 the service academies and in the military there's a 6 saying called the five Ps: Proper preparation 7 prevents poor performance. And just like anything 8 in life, preparation is key. If you're going to 9 cook dinner, you got to prep. If you are going to a 10 job interview, you got to prepare. Before I came 11 into the courtroom to try and get justice for the 12 Henry family, I prepared, I reviewed all the 13 documents. 14 The reason TEM 7024 is not an optimal 15 or a good method for finding the asbestos in talc is 16 because it did not incorporate the proper 17 preparation. The Colorado School of Mines told 18 Johnson & Johnson if you want to find asbestos in 19 talc at less than one percent, you have to use the 20 pre-concentration method. And the Colorado School 21 of Mines developed this method. Using heavy liquid 22 you can separate out the asbestos from all the talc 23 particles and then you can use whatever microscope 24 you want. If you are using TEM, you're using the 25 best microscope, but you can use PLM like</p>

<p style="text-align: right;">Page 2888</p> <p>1 Professor Blount did or you can use TEM like 2 Dr. Longo did. 3 But nonetheless, Colorado School of 4 Mines told Johnson & Johnson if you want to find the 5 needle in the haystack, if you want to find the 6 asbestos needle in the talc, you got to use 7 pre-concentration. 8 Professor Blount used 9 pre-concentration, Dr. Longo used pre-concentration, 10 and 100 percent of the time they found asbestos in 11 the talc using pre-concentration. But Johnson & 12 Johnson didn't let any of the other labs, outside 13 labs use pre-concentration. And there's a reason 14 why. Dr. Hopkins tells us why. 15 (Video plays: 16 Q. It depends on how close you look, 17 though, right, whether you're going to find asbestos 18 or not if it's present? 19 A. If you use the best techniques, 20 you'll find it, right. 21 (Video stops.) 22 MR. SWETT: If you are using the best 23 techniques, if you're using pre-concentration, you 24 will find the asbestos in the talc. Johnson & 25 Johnson knows this. It's in black and white. Don't</p>	<p style="text-align: right;">Page 2890</p> <p>1 one/one-millionth the weight of a breath mint. It's 2 a very tiny bit of talc. And you can find four 3 tremolite fibers in that. And under Johnson & 4 Johnson's rigged testing method, that's 5 asbestos-free. 6 You can find four tremolite and four 7 anthophyllite fibers, still asbestos-free according 8 to Johnson & Johnson. You can find four tremolite 9 fibers, four anthophyllite fibers, four actinolite 10 fibers in that small sample of talc and it's still, 11 according to Johnson & Johnson, it's asbestos-free. 12 Johnson & Johnson deceives and misleads. 13 Now, Dr. Longo performed calculations 14 and they're on the screen. He calculated if you had 15 four tremolite fibers, that would equate to 16 56,800,000 asbestos fibers per gram. Now, 425 grams 17 in this bottle. So if we do the math, 56,800,000 18 times 425 grams, that's 24 billion 140 million 19 asbestos fibers in one bottle of Johnson's Baby 20 Powder. And oh, by the way, this is asbestos-free 21 according to Johnson & Johnson. 26 billion in one 22 bottle and they'll still say it's asbestos-free. 23 That's why they supposedly have all these 24 non-detects and our products never ever contained 25 asbestos. It's a rigged testing method.</p>
<p style="text-align: right;">Page 2889</p> <p>1 just take Dr. Hopkins' word for it a year ago when 2 he testified. This is P-126. April 26, 1973. 3 "With appropriate concentrating techniques, a good 4 laboratory will be able to identify the asbestos or 5 tremolite in a talc sample." It's Johnson & 6 Johnson's own document. With appropriate 7 concentrating techniques, a good lab will find it. 8 There's another reason that TEM 7024 9 was not a good method for finding the asbestos in 10 the talc. Now, when Dr. Hopkins came to testify in 11 this case they flew him over from England. They 12 flew him to New Jersey to talk about Johnson & 13 Johnson's documents. He kind of danced around this 14 question that I asked him about five fibers. You 15 may remember the very next day, Thursday, the very 16 next thing I did, I put a transcript over the 17 overhead where he actually was honest about this 18 method, you have to find five fibers of the same 19 asbestos type under Johnson & Johnson's rigged test 20 method where they'll say it contains asbestos. If 21 you only have four tremolite fibers it's non-detect. 22 They say there's no asbestos there. 23 But you got to think about this. 24 When you're testing with TEM you're only looking at 25 .00002 grams of talc at a time. That's like</p>	<p style="text-align: right;">Page 2891</p> <p>1 You may get back in your 2 deliberations and one of your fellow jurors may say 3 what about the FDA testing. So I want to address 4 the FDA testing. Let's talk about the 2009 testing 5 first, because I think even during closing there was 6 a website from the FDA put up there about testing 7 that the FDA did in 2009 and didn't find any 8 asbestos. 9 Well, they're trying to deceive and 10 mislead you. In 2009, the talc was made from China 11 mines. The China mines don't have asbestos in them. 12 Anything made after 2003, remember I told you the 13 time period they had the Vermont mines. 2009 14 testing is irrelevant. 15 So let's talk about the 1976 testing. 16 Let's talk about Harvard testing, Princeton testing, 17 FDA testing in '76. They were all using another 18 rigged test method, J4-1. If you recall, the FDA 19 was looking at pre-concentration. I showed you the 20 document. The FDA was starting to look at 21 regulating asbestos in talc. Johnson & Johnson 22 didn't want the FDA to regulate asbestos in talc. 23 So here's the document, P-573. This 24 is Johnson & Johnson writing to the CTFA. I'll read 25 the last sentence. It says, "We believe it's</p>

<p style="text-align: right;">Page 2892</p> <p>1 critical for the CTFA to now recommend these methods 2 to the FDA before the art advances to more 3 sophisticated techniques with higher levels of 4 sensitization." They didn't want the FDA to use a 5 more sensitive method so they pushed through J4-1, 6 which is an industry standard, by the way. 7 The FDA didn't adopt it. The FDA 8 doesn't enforce it. It's something that industry 9 developed and it only has two parts, it has XRD and 10 it has PLM. There's no TEM. Even though Johnson & 11 Johnson says in its own document earlier this year, 12 January of 1974, even though they say TEM's the only 13 way you could find asbestos in talc, when they 14 pushed through this method they don't include TEM. 15 And XRD can only find asbestos in talc if it's below 16 .5 percent. 17 Now, I know Dr. Hopkins' video that 18 you watched was a long video, and you may not have 19 caught this, but XRD can only detect asbestos in 20 talc at .5 percent or higher generally. But we've 21 seen, through Johnson & Johnson's documents, that 22 typically the asbestos in their product was less 23 than that. It was .01 percent, .1 percent. And 24 Dr. Hopkins admitted on video that at point, I 25 believe it was 01 percent, that's still millions of</p>	<p style="text-align: right;">Page 2894</p> <p>1 able to use the test reliably, and it's still the 2 test used today by the FDA and outside experts to 3 determine whether there's asbestos or not. Well, 4 one thing's true about that; that is still the test 5 that's used today. But the other truth about it is 6 it's only 14 percent accurate. You are only going 7 to find asbestos once out of every seven times. 8 Now, Dr. Hopkins came, and I think 9 there was some confusion because I think there was a 10 question after he got done testifying about this 11 document. He talked all over himself. He was 12 trying to build up the credibility of the Johnson & 13 Johnson lawyer. He was trying to support her and 14 say well, no, six out of seven labs did find it. 15 The problem was that, is this, last year he actually 16 told the truth and we got it on tape. He 17 admitted -- we'll watch this. Play this John, 18 please. 19 (Video plays: 20 Q. Number two, test and verify CTFA 21 method J4-1 for this purpose, assurance that the 22 method is accurate, reliable and practical, right? 23 A. Yes. 24 Q. It must be those things, correct? 25 A. Yes.</p>
<p style="text-align: right;">Page 2893</p> <p>1 asbestos fibers in one bottle. So it's not 2 sensitive enough. J4-1, that can only detect 3 asbestos at .5 percent or higher. It's not 4 sensitive enough to detect all the asbestos fibers. 5 And that brings us to the round 6 robin. Johnson & Johnson's lawyer showed you this 7 document in opening statement and showed you a 8 completely different table that had nothing to do 9 with the final results. This is the table with the 10 preliminary final results. They spiked two talc 11 samples. Mount Sinai did not participate. They 12 spiked two talc samples with tremolite asbestos and 13 anthophyllite asbestos. Why in the world would they 14 spike something with a non-asbestos? What's the 15 whole point of spiking it? 16 They spiked tremolite asbestos and 17 anthophyllite asbestos. And of course, all the 18 labs, all seven labs that participated found the 19 anthophyllite. That's 3.5 percent. That's 20 billions, probably trillions of asbestos fibers. 21 But only one out of seven found the tremolite. 22 This is what Johnson & Johnson's 23 lawyer told you in opening. I'm going to show you a 24 document she showed you. It actually showed that 25 the labs got it right. That all but one lab was</p>	<p style="text-align: right;">Page 2895</p> <p>1 Q. He then reported these objectives 2 have not yet been achieved, correct? 3 A. That's what he reports. 4 Q. Dr. Schultz provided the results of 5 the completed first round robin test providing the 6 following table, and he has the products there and 7 he's got the spiked samples, right? And that's a 8 summary of what you and I already looked at where, 9 of the seven samples, only one lab detected the CTFA 10 tremolite spiked talc of seven, correct? 11 A. That's correct. 12 Q. Now, one out of seven, that's what 13 percentage of seven? 14 A. 14. 15 Q. 14 percent? 16 A. Give or take plus, yes. 17 Q. So if you took a test and you got a 18 14 percent on it, that's like an F minus, right? 19 A. I'm sure. 20 Q. I mean, okay. UK has letter grades, 21 right? 22 A. Yes. 23 Q. Whether you're on letter grades or 24 pass, fail, this is an F, right? 25 A. Yes.</p>

<p style="text-align: right;">Page 2980</p> <p>1 preserve our objection, I don't believe Mr. Swett 2 came close to curing misrepresenting the record on 3 the issue of when he said, put up on the bullet 4 point that her doctors told her that her meso was 5 from asbestos. 6 THE COURT: Thank you. I 7 particularly paid attention to that and I felt that 8 it was sufficient. But your objection is preserved. 9 MS. SULLIVAN: Thank you. 10 THE COURT: Do you want to make any 11 statement on the record with regard to that? 12 MR. SWETT: No, your Honor. The 13 transcript will speak for itself and your Honor's 14 decision will stand. 15 THE COURT: So I'm reviewing the rest 16 of the summation for the issue that was raised with 17 regard to your closing statement, and then with 18 regard to the plaintiffs as to the comment relative 19 to Dr. Swett -- 20 MS. SULLIVAN: Dr. Diette. 21 THE COURT: Dr. Swett. 22 MR. FINCH: He went to medical school 23 after he went to military school. 24 THE COURT: Hey, you might become 25 Dr. Quincy. I can't believe you found that little</p>	<p style="text-align: right;">Page 2982</p> <p>1 CERTIFICATE OF OFFICER 2 3 I CERTIFY that the foregoing is a true 4 and accurate transcript of the testimony and 5 proceedings as reported stenographically by me at 6 the time, place and on the date as hereinbefore set 7 forth. 8 I DO FURTHER CERTIFY that I am neither 9 a relative nor employee nor attorney or counsel of 10 any of the parties to this action, and that I am 11 neither a relative nor employee of such attorney or 12 counsel, and that I am not financially interested in 13 the action. 14 15  16 ANDREA NOCKS, CCR, CRR 17 Certificate No. XI001573 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2981</p> <p>1 picture of him, Quincy and his assistant. What was 2 his assistant's name? 3 MS. SULLIVAN: Mr. -- 4 THE COURT: He probably knows. All 5 right. So I'll see you tomorrow morning. 6 (Sidebar ends.) 7 (Proceedings adjourn at 4:07 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	